Registry of the Public Servants Disclosure Protection Tribunal

2014–15

Departmental Performance Report

The Honourable Judy M. Foote, P.C., M.P.
Minister of Public Services and Procurement

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Registrar's Message

I am pleased to present the final Departmental Performance Report for the Registry of the Public Servants Disclosure Protection Tribunal covering the period from April 1, 2014 to October 31, 2014. On November 1, 2014 the governance structure of the Registry was altered with the coming into force of the *Administrative Tribunal Support Services Canada Act*, which created the Administrative Tribunals Support Service of Canada (ATSSC) centralizing the provision of support services of 11 administrative tribunals through a single, integrated organization.

In October 2014, three cases were heard jointly by the Tribunal and were ultimately settled by the parties in the course of the hearing. One additional case remains in abeyance.

The Registry developed amendments to its Rules of Procedures to align with the enactment of the ATSSC and to modernise Tribunal processes by stating that the electronic version of a document filed electronically is henceforth to be considered its original while allowing the Tribunal to create original electronic documents from their paper version. A related initiative on electronic hearings was also piloted during the hearing held in the fall of 2014.

I would like to acknowledge the efforts of my predecessor, Stuart Campbell, and the personnel of the Registry who not only maintained the operations for the conduct of the Tribunal but dedicated much of their time to ensure a successful transition to the ATSSC.

Rachel J. Boyer
Executive Director and Registrar
Registry of the Public Servants Disclosure Protection Tribunal

Section I: Organizational Expenditure Overview

Organizational Profile

Minister: The Honourable Judy M. Foote, P.C., M.P.,
Minister of Public Services and Procurement

Institutional Head: Rachel J. Boyer, Executive Director and Registrar

Ministerial Portfolio: The Tribunal is part of the Public Services and Procurement portfolio

Enabling Instrument(s): *Public Servants Disclosure Protection Act, S.C. 2005.c.46*[v]

Year of Incorporation / Commencement: 2007

Other: On November 1, 2014, the *Administrative Tribunals Support Service of Canada Act* came into force and consolidated the provision of support services of 11 administrative tribunals, including the Registry of the Public Servants Disclosure Protection Tribunal. The Tribunal retained its adjudicative powers while the Registry of the Public Servants Disclosure Tribunal transferred all human and financial resources to the ATSSC.

Organizational Context

Raison d'être

The raison d'être of the Tribunal is to protect public servants who disclose wrongdoing from reprisals.

Responsibilities

The Tribunal is an independent quasi-judicial body responsible for dealing with reprisal complaints referred by the Commissioner.

The Tribunal is one component of the wrongdoing disclosure regime introduced in 2007 by the *Public Servants Disclosure Protection Act* (the Act). In addition to the Tribunal, chief executives, the Public Sector Integrity Commissioner and the Treasury Board have responsibilities under the Act.

Section 20.8 of the Act, which provided for the establishment of a Registry to support the Tribunal in the conduct of its work, was repealed on 1 November, 2014 with the coming into force of the *Administrative Tribunals Support Service of Canada Act*, which consolidated the provision of support services of 11 administrative tribunals, including the Registry of the Public Servants Disclosure Protection Tribunal, into a new organization known as the Administrative Tribunals Support Service of Canada (ATSSC). The support services include corporate services (e.g., common functions of human resources, information technology, financial services, accommodations and communications); registry services; and core mandate services (e.g., research, analysis, legal and other case-specific work). The legislative mandate that brought about these changes deemed the financial and human resources of the Registry of the Public Servants Disclosure Protection Tribunal transferred to the ATSSC.

This is the final *Departmental Performance Report* of the Registry of the Public Servants Disclosure Protection Tribunal and covers the period April 1, 2014 to October 31, 2014. As such, some commitments and performance targets outlined in the *2014-15 Reports on Plans and Priorities* of the Registry of the Public Servants Disclosure Protection Tribunal may have changed. For information on the ATSSC's performance in supporting the Public Servants Disclosure Protection Tribunal, please visit the ATSSC's website.[ii]

Strategic Outcome and Program Alignment Architecture

1. Strategic Outcome:

In carrying out its mandate, the Tribunal is aiming for the following strategic outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

1.1 Program: Reprisal Hearings Program

The Registry supports the Tribunal in fulfilling its mandate through the Reprisal Hearings Program. This program provides for the effective management of the processes related to reprisal complaints and Tribunal hearings. Through this program, the Registry also provides legal and administrative support to the Tribunal.

Internal Services

The Registry of the Public Servants Disclosure Protection Tribunal has an exemption from reporting separately on its Internal Services.

Organizational Priorities

Priority	Type[1]	Strategic Outcome
Raise public servants' awareness of the protection the Tribunal provides if they disclose wrongdoing.	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.
Summary of Progress		
• The Registry continued to increase awareness of the Tribunal's mandate within the Public Service by developing and implementing a communication strategy that included posting information resources on its website, accepting speaking engagements at events for legal and tribunal communities and delivering presentations to departments and agencies. • The Registry and the Tribunal continued to consult with the Client Consultation Committee at their bi-annual meetings in May and December 2014 and sought their advice on making the Tribunal better known.		

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Priority	Type	Strategic Outcome
Build capacity in the area of protection against reprisals at the Tribunal and public service-wide.	New priority	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals

Summary of Progress

- The Registry continued its research work on policies and procedures adopted in other quasi-judicial bodies in Canada and abroad.
- The Registry and Tribunal assessed the current state of whistleblower protection and identified areas for improvements through consultations with key stakeholders and public administration experts in the public sector and academia.
- The Registry prepared to make recommendations upon the Treasury Board of Canada Secretariat's initiation of the five-year review of the Act.

Priority	Type	Strategic Outcome
Tribunal Management Excellence	Previously committed	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Summary of Progress

- The Registry leveraged new technologies and transitioned to a paperless environment.
- The Registry worked on the transition in preparation for the coming into force of the ATSSC. Key personnel were formally assigned to the Transition Team.
- The Registry amended the Public Servants Disclosure Protection Rules of Procedure to align with the new ATSSC and to modernise its proceedings. Stakeholders and the general public were consulted on provisions of the Rules that could be clarified and recommendations were presented to the Tribunal members at the semi-annual meeting of the Tribunal in December 2014. Amendments came into force following publication in the *Canada Gazette* in June 2015.

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Should the low caseload continue, it will be difficult to demonstrate the ability of the Tribunal to provide the protection envisioned in the Act.	As identified in the 2014-15 RPP, the Registry continued its work with other organizations to raise awareness of the protection the Tribunal provides if they disclose wrongdoing and developed and posted new resources on its website. Through consultations with stakeholders and experts, the Registry assessed the current state of whistleblower protection and identified areas for improvements. The Registry also laid the groundwork in anticipation of the 5-year review of the Act.	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals
The Registry faces the juxtaposed risks of being inadequately resourced should cases be referred to the Tribunal, and of being over-resourced should no cases be referred. The specialized skills required of the legal team add an additional complexity to this risk.	As identified in the 2014-15 RPP, the Registry streamlined its processes and leveraged new technologies to improve the organization's efficiency. The remainder of the action plan to assess the delivery model and organizational design of the Registry, and optimize it to reflect the need to remain flexible while continuing to reduce expenditures, was put aside as a result of the impeding coming into force of the ATSSC. Efforts were focussed instead on ensuring a smooth and successful transition to the ATSSC.	Reprisal Hearings Program

Actual Expenditures

Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use[1]	2014–15 Actual Spending (authorities used)	Difference (actual minus planned)
1,845,622	**1,845,622**	**975,243**	**965,243**	**(808.379)**

Human Resources (Full-Time Equivalents [FTEs])

2014–15 Planned[2]	2014–15 Actual[3]	2014–15 Difference[4] (actual minus planned)
12	3.6	(8.4)

Budgetary Performance Summary for Strategic Outcome(s) and Program(s) (dollars)

Strategic Outcome(s), Program(s) and Internal Services[5]	2014–15 Main Estimates	2014–15 Planned Spending	2015–16 Planned Spending[6]	2016–17 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	2013–14 Actual Spending (authorities used)	2012–13 Actual Spending (authorities used)
Strategic Outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.								
[Reprisal Hearings Program	1,845,622	1,845,622	0	0	975,243	965,243	1,229,362	1,659,741
Total	1,845,622	1,845,622	0	0	975,243	965,243	1,229,362	1,659,741

[1] The reduction in the Total Authorities Available for use is a result of the coming into force of the ATSSC on November 1, 2014 whereas unspent resources were deemed to have been transferred to the ATSSC.

[2] Full fiscal year planned complement is pre-ATSSC and as reported in the 2014-15 RPP.

[3] The actual FTE figures have been pro-rated to reflect the 7 months of operations of the Registry.

[4] The difference between the planned and actual FTE complement is mainly the result of the transfer to the ATSSC on November 1, 2014.

[5] The Registry has only one strategic outcome and program. It has obtained an exemption from reporting on its internal services separately.

[6] This is the final *Departmental Performance Report* of the Registry of the Public Servants Disclosure Protection Tribunal and covers the period April 1, 2014 to October 31, 2014, therefore, there is no plan spending for subsequent years.

Alignment of Spending With the Whole-of-Government Framework

Alignment of 2014–15 Actual Spending With the Whole-of-Government Framework[iii] (dollars)

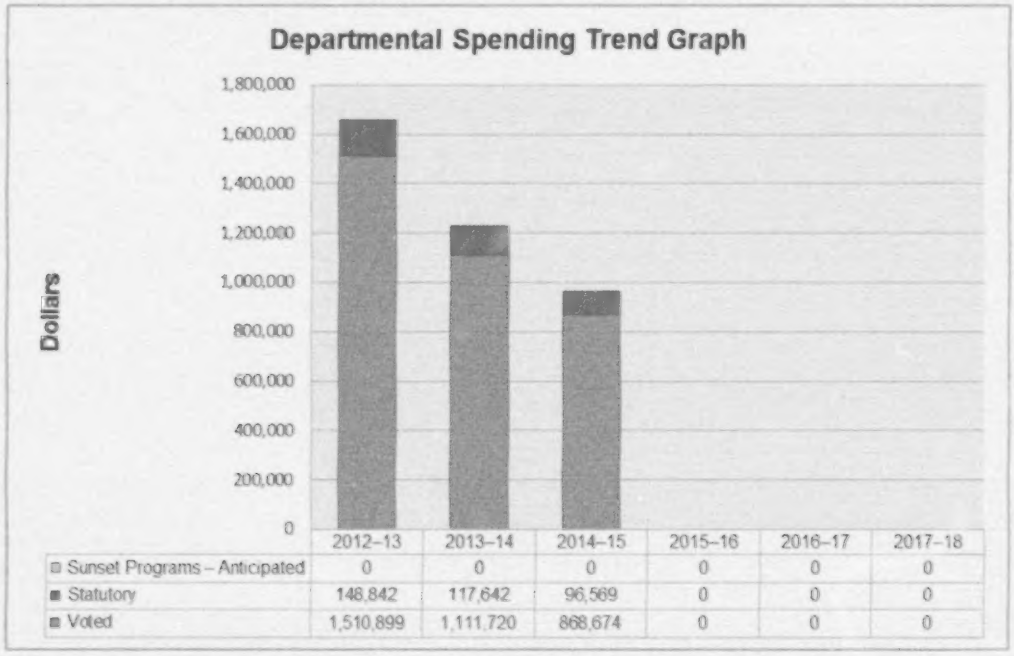
Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2014–15 Actual Spending
Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	Reprisal Hearings Program	Government Affairs	Well-managed and efficient government operations	965,243

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending	Total Actual Spending[1]
Economic affairs	-	-
Social affairs	-	-
International affairs	-	-
Government affairs	1,845,622	965,243

[1] The total actual spending is up to and including October 31, 2014. The free balance of the appropriations was transferred to the ATSSC on November 1, 2014.

Departmental Spending Trend



	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18
Sunset Programs – Anticipated	0	0	0	0	0	0
Statutory	148,842	117,642	96,569	0	0	0
Voted	1,510,899	1,111,720	868,674	0	0	0

The fluctuations in spending since 2012-13 and future planned spending can be explained by the following events:

1. In 2013-14, key positions were vacant for a period of 6 months and the Registry implemented efficiency measures, such as the removal of telephone landlines in the office, the reduction of its photocopier rental costs and the reduction of HR services provided by PWGSC's Shared HR Services.
2. The Registry's actual spending for 2014-15 is for the period of April 1 to October 31, 2014 as the Registry transferred its human and financial resources to the Administrative Tribunals Support Service of Canada as of November 1, 2014.

Expenditures by Vote

For information on the Registry of the Public Servants Disclosure Protection Tribunal's organizational voted and statutory expenditures, consult the *Public Accounts of Canada 2015*,[iv] which is available on the Public Works and Government Services Canada website.[v]

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome:

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

Program 1.1: Reprisal Hearings Program

As the Registry was granted an exemption to report separately on its internal services, it will report globally on its single program activity.

Description

The Reprisal Hearings Program provides for the effective management of the processes related to reprisal complaints and Tribunal hearings. Through this program, the Registry also provides legal and administrative support to the Tribunal.

Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use[1]	2014–15 Actual Spending (authorities used)	2014–15 Difference (actual minus planned)
1,845,622	1,845,622	975,243	965,243	(880,379)

Human Resources (FTEs)

2014–15 Planned	2014–15 Actual[2]	2014–15 Difference (actual minus planned)[3]
12	3.6	(8.4)

[1] The reduction in the Total Authorities Available for use is a result of the coming into force of the ATSSC on November 1, 2014 whereas unspent resources were deemed to have been transferred to the ATSSC.

[2] The actual FTE figures have been pro-rated to reflect the 7 months of operations of the Registry.

[3] The difference between the planned and actual FTE complement is mainly the result of the transfer to the ATSSC on November 1, 2014.

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Efficient management of the Tribunal's proceedings.	Number of decisions or orders issued within 250 calendar days from the start of a proceedings.	90% of proceedings are completed within 250 calendar days.	See Performance Analysis and Lessons Learned below.
	Degree of client satisfaction with respect to services offered by the Registry.	80% of clients are satisfied with services offered by the Registry.	Three cases were resolved under the reporting period of April 1 to October 31, 2014 and a survey of participants was conducted, which confirmed the achievement of targets (90% overall satisfaction).

Performance Analysis and Lessons Learned

Three cases referred to the Tribunal by the Public Sector Integrity Commissioner were received in February 2014 and dealt with between April and October 2014.

The Registry and the Tribunal dealt with these three cases within the imparted delay of 250 days. This includes time devoted to pre-hearing conferences beginning in April 2014, followed by a mediation process that initially failed in July 2014. A hearing was held in the fall of 2014 but was interrupted when parties reached a settlement over the matters in dispute. The three cases were officially closed by October 2014.

Although too few cases were received thus far for the Registry to conduct a meaningful client satisfaction survey, one survey was conducted with stakeholders involved in the three cases that were heard in 2014, which confirmed the achievement of targets (90% overall satisfaction).

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

The Registry was granted an exemption to report separately on its internal services.

Section III: Supplementary Information

Financial Statements Highlights

Condensed Statement of Operations (unaudited)
For the 7-Month Period Ended October 31, 2014
(dollars)

Financial Information	2014–15 Planned Results	2014–15 Actual	2013–14 Actual	Difference (2014–15 actual minus 2014–15 planned)	Difference (2014–15 actual minus 2013–14 actual)
Total expenses	1,727,569	1,040,276	1,415,718	(687,296)	(375,442)
Total revenues	-	-	-	-	-
Net cost of operations before government funding and transfers	1,727,569	1,040,276	1,415,718	(687,296)	(375,442)

Condensed Statement of Financial Position (unaudited)
As at October 31, 2014
(dollars)

Financial Information	2014–15	2013–14	Difference (2014–15 minus 2013–14)
Total net liabilities	229,709	136,699	93,010
Total net financial assets	174,612	82,167	92,445
Departmental net debt	55,097	54,532	565
Total non-financial assets	249,334	246,430	2,904
Departmental net financial position	194,237	191,898	2,339

Financial Statements

Financial statements are available on the Public Servants Disclosure Protection Tribunal[vi] website.

Supplementary Information Tables

The Registry of the Public Servants Disclosure Protection Tribunal does not have supplementary information tables to list for 2014–15.

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*[vii] publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

Registrar
Public Servants Disclosure Protection Tribunal Canada
90 Sparks Street, Suite 512
Ottawa, Ontario K1P 5B4
Telephone: 613-943-8310
Facsimile: 613-943-8325

E-mail: tribunal@psdpt-tpfd.gc.ca
Website: www.psdpt-tpfd.gc.ca[viii]

Appendix: Definitions

appropriation (*crédit*): Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (*dépenses budgétaires*): Includes operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report (*rapport ministériel sur le rendement*): Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Report on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent (*équivalent temps plein*): Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes (*résultats du gouvernement du Canada*): A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure (*Structure de la gestion, des ressources et des résultats*): A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures (*dépenses non budgétaires*): Includes net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (*rendement*): What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

performance indicator (*indicateur de rendement*): A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (*production de rapports sur le rendement*): The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending (*dépenses prévues*): For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plan (*plan*): The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities (*priorité*): Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program (*programme*): A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture (*architecture d'alignement des programmes*): A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities (*rapport sur les plans et les priorités*): Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

result (*résultat*): An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (*dépenses législatives*): Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome (*résultat stratégique*): A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program (*programme temporisé*): A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (*cible*): A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (*dépenses votées*): Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

whole-of-government framework (*cadre pangouvernemental*): Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i. *Public Servants Disclosure Protection Act*, http://laws-lois.justice.gc.ca/eng/acts/P-31.9/

ii. ATSSC website, http://www.canada.ca/en/administrative-tribunals-support-service/index.html

iii. Whole-of-government framework, http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx

iv. *Public Accounts of Canada 2015*, http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html

v. Public Works and Government Services Canada website, http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html

vi. Public Servants Disclosure Protection Tribunal, http://www.psdpt-tpfd.gc.ca/MenuBottom/DeptReports/DPR/DPR-eng.html

vii. *Tax Expenditures and Evaluations* publication: http://www.fin.gc.ca/purl/taxexp-eng.asp

viii. Public Servants Disclosure Protection Tribunal website, http://www.psdpt-tpfd.gc.ca/